

Remarks:

Applicant notes that the Examiner has made the restriction final, and has searched and examined only claims 10-19, 22, and 23. In the Office Action, all but claim 23 has been rejected as being obvious over the combination of Attia et al US Patent No. 6,016,618 in view of Alpa British Patent No. 960,859. Applicant respectfully requests reconsideration of that rejection for the following reasons.

The main reference, the Attia patent, is actually invalid over Applicant's prior US Patent No. 6,000,160 filed prior to the Attia patent and against which it is prior art. Nevertheless, the Attia patent admittedly discloses Applicant's earlier design of a self-laminating wristband and label form comprised of a face stock layer made from simple bond paper, for example, and a liner or release sheet made from a flexible transparent film such as mylar or the like. A layer of adhesive joins the two layers together and die cuts are formed in the layers to define an imaging area and an overlying laminating layer which after separation from the form may be fashioned into a self-laminating wristband. The basic concept of the form disclosed therein is that it is formed to be readily printed by feeding through a laser printer or the like and yet provide a laminated wristband capability.

The secondary reference, the Alpa British patent published in 1964, discloses a quite different wristband construction perhaps due to its age. As shown in Fig. 1 and 2, the closure comprises a pair of superimposed pieces of plastic material, similar to the plastic material from which the main band is formed, which are welded onto the main band. These two pieces of welded plastic material are differently sized patches of plastic with one overlying the other to form a pair of "pockets" as described therein. One of the pieces of plastic forms the dividing

wall between the two pockets. Each pocket has a mouth adjacent an end of the band and another mouth displaced inboard therefrom. As these plastic patches are differently sized, the pockets are of different length and the mouths are offset from one another so that the opposite end of the band may be inserted through one pocket, wrapped around the divider wall, and then inserted back through the other pocket. Thus, as noted in the Alpa patent, the band is “folded about the common dividing wall and acts to hold the band securely in position on the wearer’s limb.”

The Office Action suggests that one of ordinary skill in the art would be motivated to combine the teachings of these disparate references and utilize the “slots” of Alpa as the closure for the Attia wristband to provide a self-laminating wristband that may be adjusted in size. This rejection is respectfully traversed. First of all, the Attia wristband already has the capability to be adjusted in length. As noted at col. 5, l. 58 et seq., Attia teaches that “If desired, the band diameter can be reduced by wrapping the band more snugly to the wrist and adhering the adhesive-coated tabs to non-coated areas of the band.” As Attia already has the capability for adjustment in its length, one of ordinary skill would not be motivated to make any change merely to have a different means for performing the same function. Thus, the rejection must fail as there is no motivation to combine the references as doing so does not provide an additional feature or functionality.

Still other reasons exist that would militate against one of ordinary skill in the art combining these references. The Alpa wristband is constructed entirely of plastic. The pockets are formed with a welding step which increases the thickness of the wristband in an uneven manner which would virtually eliminate any chance for the wristband to be fed through a printer. As noted in the very first line of Attia, “This invention relates to a laminated article that can be

printed by sheet-fed printers and then converted to an identification wristband that has a covered and protected printed area.” Furthermore, Attia distinguishes the prior art at col. 1, l. 36 et seq. by saying: “Each of the proposals of the cited art, however, has one or more disadvantages such as . . . inability to be printed in sheet fed printers or lack of convenient fastening means.” And, in touting the long felt need met by his invention, Attia boasts at col. 1, l. 43: “More particularly, a need exists for such an article in sheet form that can provide both bands and labels that are printed with correlated indicia by means of a sheet-fed printer and that can conveniently provide adhesive fastening tabs and a transparent cover for printed indicia. The present invention provides such an article.” It is clear that Attia considered his invention as a business form which was suited for processing through a sheet-fed printer. On the other hand, the Alpa wristband device is not part of a business form, is not made of materials suited for processing through a sheet-fed printer, and has for a closure a multi-layered arrangement that would present a choking point should one seek to feed it through a printer. Should the closure arrangement of Alpa be grafted onto the Attia wristband form, it too would clog and choke a printer (much less be incapable of being sheet fed) due not only to its multiple layer thickness but also the fact that the multiple layer thickness appears at only one isolated point on the form and is not consistent across the width or length thereof.

The claims are further allowable in that even if the references are combined as suggested by the Office, the resulting combination does not meet the limitations of the claims. For example, claim 10 includes the limitation that the attachment portion have two slots located on opposite sides of the face ply portion. The Alpa patent shows two pockets, each pocket having a pair of “mouths”, all of which are located on the same side of the face ply portion (identification

slip 13) which is inserted through the aperture 12 to be displayed behind the transparent flexible window piece 10. As shown clearly in Fig. 2, mouths 5-8 are all outboard of the identification slip 13. As such, the Alpa “mouths” or “slots” do not meet the claimed limitation that at least one of them be inboard of the identification slip as well. Furthermore, not only is there no teaching or suggestion that one of the “mouths” or “slots” be moved to the other side of the identification slip, to do so would result in the band obscuring the identification slip when it is threaded through the pockets as shown in Fig. 3. Thus, even if combined, the resulting assembly does not meet the claimed invention of claim 10 as there would not be slots on opposite sides of the face ply portion.

The other independent claim in this set of claims is claim 22. Claim 22 recites a limitation that one of the slots is “substantially surrounded by adhesive”. The Alpa wristband is made of plastic and has no adhesive anywhere on it. Furthermore, one of ordinary skill in the art would not be led to add adhesive as the Alpa closure design relies on the use of two “pockets” that overlap each other, with the strap portion extending in through one pocket and back through the other with the folded strap surrounding the inner dividing wall acting as the “mechanism” that captures the strap and secure it in place. Adhesive is not disclosed and not needed to help the Alpa closure to operate. Thus, simply moving some variation of the Alpa closure which includes its slots onto the Attia wristband will not produce a slot that is substantially surrounded by adhesive nor would one of ordinary skill be motivated to add it by the teachings of the references. Thus, as with the invention of claim 10, even if combined the resulting assembly would not meet the limitations of the claim 22.

It is noted that the Office has only examined a portion of the claims included in Applicant's suggested set of claims as comprising the group elected in response to the restriction requirement. Applicant respectfully requests the Office to reconsider Applicant's previous designation of all of claims 1-23 as reading on the invention embodiment depicted in Fig. 19, and to furthermore allow all of these designated claims in view of the argument submitted herein. It is noted that the business form depicted in Fig. 19 has two wristbands. The top wristband is substantially the same wristband shown in the business form of Fig. 18 and the bottom wristband is substantially the same wristband shown in Fig. 20. As both are depicted in Fig. 19, the elected species, it is believed proper for Applicant to present claims that correspond to either of these wristbands alone as part of a business form and not be required to present claims to a business form necessarily having both wristband constructions. As a further aid in presenting Applicant's position, Applicant is enclosing herewith a copy of the other independent claims 1 and 21 which have been left out of the search and examination so far, with reference numerals added to the claim corresponding to invention elements represented by those reference numerals found in Fig. 19. This is being presented as an aid, and not in any sense as an admission that the claim elements may be somehow limited in their interpretation to those specific elements. However, it is believed to conclusively establish that all of the claims 1-23 are directed to the same invention and should be included in this application.

In sum, reconsideration by the Office is respectfully requested based on the comments contained herein. Should additional matters need explanation, the Examiner is respectfully requested to telephone the Applicant's undersigned representative in order to expedite the issuance hereof. Applicant would welcome the opportunity to discuss the restriction requirement

Application No. 10/627,135
Attorney Docket No. 53248/41673

should the Office continue to disagree with Applicant's interpretation of the claims and their coverage.

Respectfully submitted,



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